
INDEPENDENT FINAL EVALUATION OF THE INITIATIVE TO GUARD AGAINST LABOR DISCRIMINATION PROJECT “IGUALDAD”



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**O'BRIEN &
ASSOCIATES**
I N T E R N A T I O N A L

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LIST OF ACRONYMS

| | |
|-----------|---|
| CONAPRED | National Council to Prevent Discrimination (<i>Consejo Nacional para Prevenir la Discriminación</i>) |
| CROC | Laborers and Peasants Union in Jalisco (<i>Sindicato de Obreros y Campesinos</i>) |
| CSO | Civil Society Organization |
| DEFR | Distinguished Family-Friendly Enterprise (<i>Distintivo Empresa Familiarmente Responsable®</i>) |
| DEI | Distinguished Inclusive Enterprise (<i>Distintivo Empresa Incluyente Gilberto Rincón Gallardo®</i>) |
| DGIFT | Department of Federal Labor Inspection (<i>Dirección General de Inspección Federal del Trabajo</i>) |
| D-GSOPS | Discrimination based on gender, sexual orientation and pregnancy status |
| HAI | Heartland Alliance International/ <i>Alianza Heartland</i> |
| IGUALDAD | Initiative to Guard Against Labor Discrimination |
| ILAB | Bureau of International Labor Affairs |
| ILO | International Labor Organization |
| INMUJERES | National Institute for Women (<i>Instituto Nacional de las Mujeres</i>) |
| OTLA | Office of Trade and Labor Affairs is the office that oversees worker rights grants in the Bureau of International Labor Affairs |
| PROFEDET | Federal Attorney General for the Defense of Workers (<i>Procuraduría Federal de la Defensa del Trabajo</i>) |
| SIAPI | Support System to the Inspection Process (<i>Sistema de Apoyo al Proceso Inspectivo</i>) |
| SICADIT | Distance Training System for the Labor Inspectorate (<i>Sistema de Capacitación a Distancia de la Inspección del Trabajo</i>) |
| STGEM | State of Mexico Ministry of Labor (<i>Secretaría del Trabajo del Gobierno del Estado de México</i>) |
| STPS | Federal Ministry of Labor and Social Prevision (<i>Secretaría del Trabajo y Previsión Social</i>) |
| STPSJ | State of Jalisco Ministry of Labor (<i>Secretaría de Trabajo y Previsión Social del Estado de Jalisco</i>) |
| STRM | Telephone Workers Union (<i>Sindicato de Telefonistas de la República Mexicana</i>) |
| ToR | Terms of Reference |
| TPR | Technical Progress Report |
| USDOL | United States Department of Labor |

EXECUTIVE SUMMARY

In December 2014, the United States Department of Labor (USDOL) awarded Heartland Alliance International (HAI) US \$1.38 million to implement a three-year project entitled *Initiative to Guard Against Labor Discrimination* (IGUALDAD). In December 2017, USDOL approved a two-month, no-cost extension resulting in a new project end date of February 28, 2018. An additional two-month extension was granted in February 2018, resulting in a final project end date of April 30, 2018.

USDOL funded the IGUALDAD project in order to support Mexico’s 2012 Federal Labor Law reforms that expanded protections for workers against discrimination based on gender, sexual orientation, and pregnancy status (D-GSOPS). The new law also defined sexual harassment and established it as a lawful cause for termination, along with bullying. In October 2015, these anti-discrimination protections were reinforced with a non-binding standard (NMX-R-025-SCFI-2015) issued by the Mexican Ministry of Labor and Social Welfare (Secretaría del Trabajo y Previsión Social or STPS), in conjunction with the National Institute for Women (INMUJERES) and the National Council to Prevent Discrimination (CONAPRED). This standard currently serves as a guideline for evaluating and certifying anti-discrimination and equal employment opportunity practices in the workplace, and ensuring compliance with national and international laws on employment discrimination.

The IGUALDAD project aims to increase compliance with Mexico’s expanded protections against labor discrimination based on gender, sexual orientation and pregnancy status by increasing the capacity of STPS to enforce the new labor laws, promote good practices among employers, and increase awareness among workers and civil society organizations. The project’s three strategic objectives are as follows:

- (1) Improved enforcement of the expanded protections against labor discrimination under Mexican labor law by STPS labor inspectors, with a focus on D-GSOPS.
- (2) Increased employer participation in STPS social compliance programs that incorporate best practices with respect to combatting labor discrimination, with a focus on D-GSOPS.
- (3) Improved worker understanding of the legal reforms on labor discrimination and willingness to report violations.

Evaluation Purpose and Methodology

The final evaluation sought to review the progress made toward achievement of the outcomes of the project since the mid-term evaluation, and identify lessons learned from its program strategy and the interventions implemented. The methodology used for the data collection was primarily qualitative in nature. Quantitative data were obtained from project documents and reports and incorporated into the analysis. A total of 120 stakeholders (57 males and 63 females) were interviewed individually or in small groups. These included IGUALDAD project staff/HAI representatives; state and federal Ministry of Labor representatives; employer sector representatives; private sector workers; members of civil society organizations; representatives of independent unions; and representatives of the U.S. Government.

Major Findings and Conclusions

Changes following mid-term evaluation: The mid-term evaluation of July 2016 identified several challenges that impeded the project’s ability to achieve its objectives. This included delays or difficulties in coordinating project activities with government stakeholders; limited participation by private sector employers; insufficient progress in raising worker awareness on D-GSOPS issues; and the absence of a mechanism for reporting D-GSOPS cases. The project adequately addressed the principal challenges identified during the project’s mid-term evaluation by (a) developing new outreach strategies targeting tripartite stakeholders, and (b) modifying activities or eliminating those that had proven futile, as in the case of the reduction to one pilot state or the elimination of the workplace assessments.

Achievement of Indicator Targets: A quantitative assessment of the project’s effectiveness showed that the project successfully met or exceeded two of the three indicator targets for Strategic Objective 1. These included inspectors’ increased understanding and knowledge of gender-related discrimination issues, and the number of workplaces participating in the pilot stage of the gender indicators. The indicator target on the use of gender indicators in STPS inspection guidelines was not achieved for reasons including insufficient political will on the part of STPS labor inspectorate (DGIFT), insufficient buy-in on the part of inspectors, confidentiality issues on the part of workers, and lack of a clear follow-up procedure for cases of suspected discrimination.

Effectiveness of Strategies Targeting STPS Labor Inspectorate: Key project activities targeting the STPS labor inspectorate included an assessment of the existence of D-GSOPS within the labor inspectorate during the project’s first year, followed by the development of an online training course on D-GSOPS issues and subsequent development and piloting of gender indicators that could be integrated into the STPS inspection guidelines. The online training course successfully increased federal labor inspectors’ knowledge of gender-related discrimination issues; however, the application of this knowledge through integration of gender indicators into STPS inspection guidelines was not achieved. This can be attributed in large part to labor inspectors’ hesitancy to integrate the questions into their inspection guidelines, and workers’ hesitancy to provide information based on a lack of understanding of the questions and/or concerns over confidentiality.

There remains a need for a clearly articulated referral protocol for inspectors to follow in identified cases of gender-related discrimination, including clearly defined roles and responsibilities for follow-up. This referral protocol is contingent upon the completion of the reporting mechanism currently in development by PROFEDET and its integration into the STPS inspection protocol.

Effectiveness of Strategies Targeting Employers: HAI successfully implemented an online platform that facilitated employer access and participation in the STPS social compliance programs (*Distintivos*). This platform streamlined the application process and enabled STPS to collect and analyze data more accurately and efficiently. The STPS database of good business practices and the promotional materials developed have the potential to further enhance employer participation in the social compliance mechanisms.

Effectiveness of Strategies Involving Civil Society Organizations: The civil society organizations (CSOs) selected to conduct outreach and training on D-GSOPS issues experienced a one-year delay in initiation of their activities based on HAI’s need to resolve internal

administrative sub-award details. This condensed timeframe hindered the ability of the CSOs to (a) implement employer and worker outreach activities and strategically target specific work sectors, and (b) provide important follow-up activities to both workers and employers. Even so, participating CSOs were able to strengthen their knowledge and skills on D-GSOPS issues and will continue to serve as a local resource on gender-related discrimination issues for both employers and workers.

Effectiveness of Strategies Targeting Workers: The project effectively gained the support and participation of two independent trade unions, resulting in their firm commitment to scale-up awareness efforts to national affiliates and establish protocols for reporting gender-related discrimination. The CSOs will continue to serve as an important resource for trade unions as they begin to tackle gender discrimination issues in the workplace and within their trade unions.

HAI effectively facilitated the process to initiate development of a mechanism for workers to report cases of D-GSOPS. The online reporting mechanism currently being developed in conjunction with PROFEDET likely will increase the efficiency and effectiveness with which gender-related discrimination cases are reported, and increase the accessibility of information for workers with a range of literacy skills.

Sustainability: Sustainability elements were identified for each of the three strategic objectives. These included (1) the integration of the online training course for labor inspectors on D-GSOPS into the updated SICADIT training platform; (2) the development and implementation of the online platform for participation in STPS social compliance mechanisms and pending donation of the intellectual property rights; (3) the pending online reporting mechanism and educational materials currently being developed by PROFEDET in collaboration with HAI; and (4) the involvement of civil society organizations that can serve as a valuable resource for both employers and workers on issues of D-GSOPS.

Recommendations

The following recommendations are based on the findings and conclusions of the final evaluation. They are intended to provide HAI and USDOL with actions that can further strengthen project outcomes and/or be applied to similar projects.

- (1) **Stakeholder buy-in:** HAI should recognize the importance of programming sufficient time within the project design to gain the trust and buy-in of key stakeholders, especially when tackling sensitive issues such as workplace discrimination based on gender, sexual orientation and pregnancy status. USDOL should consider committing to longer-term financial support of projects that promote sensitive policy initiatives such as those that protect workers from D-GSOPS.
- (2) **Timely implementation:** HAI should resolve in a timely manner internal administrative issues that can impede the implementation of key project activities. Excessive delays within such a short project implementation period can negatively affect the quality of services implemented and compromise the ability to provide important follow-up activities.
- (3) **Employer outreach:** HAI should provide additional guidance to sub-awardees on employer outreach strategies. A strategic approach to employer outreach would foment the

participation of employers from related sectors and increase the likelihood of peers contacting and supporting one another as they implement good practices to prevent gender-related discrimination.

- (4) **Gender indicators:** Future efforts to integrate gender indicators into the existing labor inspection protocol should take into account the perspective of active labor inspectors. This should include pre-pilot focus groups with the inspectors to (a) gain their buy-in, and (b) obtain their feedback on the feasibility and appropriateness of the proposed indicators as well as the efficacy of the data collection method itself. In addition, future efforts should include purposeful follow-up with STPS officials to reinforce their commitment toward the use of gender-related indicators to identify cases of D-GSOPS in the workplace.

I PROJECT BACKGROUND AND DESCRIPTION

1.1 PROJECT BACKGROUND

In December 2014, the United States Department of Labor (USDOL) awarded Heartland Alliance International (HAI) US \$1.38 million to implement a three-year project entitled *Initiative to Guard Against Labor Discrimination* (IGUALDAD). In December 2017, USDOL approved a two-month, no-cost extension resulting in a new project end date of February 28, 2018. An additional two-month extension was granted in February 2018, resulting in a final project end date of April 30, 2018.

USDOL funded the IGUALDAD project in order to support Mexico’s 2012 Federal Labor Law reforms that expanded protections for workers against discrimination based on gender, sexual orientation, and pregnancy status (D-GSOPS).¹ The new law also defined sexual harassment and established it as a lawful cause for termination, along with bullying.

In October 2015, these anti-discrimination protections were reinforced with a non-binding standard (NMX-R-025-SCFI-2015) issued by the Mexican Ministry of Labor and Social Welfare (Secretaría del Trabajo y Previsión Social or STPS), in conjunction with the National Institute for Women (INMUJERES) and the National Council to Prevent Discrimination (CONAPRED).² This standard currently serves as a guideline for evaluating and certifying anti-discrimination and equal employment opportunity practices in the workplace, and ensuring compliance with national and international laws on employment discrimination.

The Mexican Ministry of Labor is responsible for the enforcement of the new labor discrimination protections. Knowledge of these protections is limited, however, and enforcement is weak. According to CONAPRED, only 70 cases of labor-related discrimination were reported in the entire country in 2016 and 2017.³ In the state of Jalisco, where project outreach strategies were piloted, ten labor discrimination cases were reported during this same time period.⁴ According to federal labor inspectors, the subjective nature of identifying workplace discrimination, coupled with the absence of a standard protocol for actions to be taken by authorities in these cases, present barriers to effective enforcement and contribute to underreporting.

¹ The 2012 reforms to the Mexican Federal Labor Law prohibit any form of discrimination on the basis of gender or sexual orientation, and protect against substantive equality between female and male employees (Ley Federal del Trabajo, Artículo 3, 2012). http://dof.gob.mx/nota_detalle.php?codigo=5280815&fecha=30/11/2012

² Mexican Standards for Labor Equality and non-discrimination known as “Mexicana NMX-R-025-SCFI-2015 en Igualdad Laboral y No Discriminación”.

³ *Informador.Mx*, “Jalisco se mantiene en el tercer lugar nacional en quejas por discriminación,” 14 January 2018, <https://www.informador.mx/jalisco/Jalisco-se-mantiene-en-el-tercer-lugar-nacional-en-quejas-por-discriminacion-20180114-0026.html>.

⁴ Ibid.

1.2 PROJECT DESCRIPTION

The IGUALDAD project aims to increase compliance with Mexico’s expanded protections against labor discrimination based on gender, sexual orientation and pregnancy status by increasing the capacity of the Mexican Ministry of Labor (STPS) to enforce the new labor laws, promote good practices among employers, and increase awareness among workers and civil society organizations. The IGUALDAD project’s strategic objectives, anticipated outcomes and principal strategies (reflecting any post mid-term revisions) are listed in Table 1.

Table 1: IGUALDAD Strategic Objectives, Anticipated Outcomes and Principal Strategies

| Strategic Objectives | Anticipated Outcomes | Principal Strategies |
|---|---|--|
| (1) Improved enforcement of the expanded protections against labor discrimination under Mexican labor law by STPS labor inspectors, with a focus on D-GSOPS. | <ul style="list-style-type: none"> • STPS labor inspectors better identify and remedy violations related to unlawful labor discrimination practices. • STPS increases its reach to monitor compliance with 2012 federal anti-discrimination laws. | <ul style="list-style-type: none"> • Develop and implement on-site and online training programs for federal STPS labor inspectors to raise awareness of D-GSOPS. • Identify the prevalence of D-GSOPS within STPS; develop a targeted internal protocol to address this discrimination before initiating inspections to detect D-GSOPS. • Develop, pilot and incorporate gender discrimination indicators within STPS’s Support System for the Inspection Process (SIAPI). |
| (2) Increased employer participation in STPS social compliance programs that incorporate best practices with respect to combatting labor discrimination, with a focus on D-GSOPS. | <ul style="list-style-type: none"> • STPS formally promotes the use of social compliance mechanisms and best practices among employers and other stakeholders with regard to combatting discrimination, in accordance with the 2012 laws. • Employers participate in STPS social compliance mechanisms that promote and recognize good practices. | <ul style="list-style-type: none"> • Develop an online database and documentation platform to facilitate employer participation in STPS social compliance programs. • Create an online Best Practices database with STPS; publish and disseminate a selection of best practices. • Develop outreach materials to promote employer participation in STPS social compliance mechanisms. • Provide “safe spaces” for employer collaboration and exchange to promote best practices and STPS social compliance mechanisms. |
| (3) Improved worker understanding of the legal reforms on labor discrimination | <ul style="list-style-type: none"> • Workers are well informed of their updated labor rights with a focus on D-GSOPS. | <ul style="list-style-type: none"> • Select civil society organizations (CSOs) in the state of Jalisco to provide D-GSOP awareness training to workers and worker organizations. |

| | | |
|---------------------------------------|--|--|
| and willingness to report violations. | <ul style="list-style-type: none"> • Workers are knowledgeable on how to report violations and have access to reporting mechanisms • Workers rights organizations and networks in pilot states better advocate for and advance their affiliates’ rights in the workplace through the reporting of violations related to D-GSOPS. | <ul style="list-style-type: none"> • Support STPS Attorney General’s Office (PROFEDET) with the development, implementation and dissemination of a mechanism for workers to report gender-related violations. |
|---------------------------------------|--|--|

Discussion: Table 1 provides a brief synopsis of the project’s anticipated outcomes and the principal strategies designed to achieve these outcomes. These strategies reflect the changes made at the project’s mid-term. Although an anticipated outcome for SO 1 included the remediation of violations related to unlawful labor discrimination practices, HAI subsequently ascertained that this responsibility was not within the specified duties of the STPS labor inspectors. Rather, the remediation of violations would fall within the jurisdiction of PROFEDET or CONAPRED. For additional information on the role of PROFEDET in supporting project outcomes, see Section 3.6 Effectiveness of Strategies Targeting Workers.

II EVALUATION PURPOSE AND METHODOLOGY

2.1 EVALUATION PURPOSE

The final evaluation sought to review the progress made toward achievement of the outcomes of the project since the midterm evaluation, and identify lessons learned from its program strategy and the interventions implemented. The evaluation Terms of Reference (Annex A) contained a specific set of questions that focused on documenting the key achievements, lessons learned, good practices that USDOL and HAI could apply to similar projects, and likelihood of sustaining project results and outputs.

2.2 EVALUATOR

An external evaluator with a background in labor, education and public health conducted the final evaluation. The evaluator has extensive experience in planning and implementing education and training programs on labor-related issues, including numerous workshops in Mexico for workers in garment sector and electronic industries; leaders of community-based organizations; local labor inspectors; and organizers of independent unions.

The evaluator has conducted over 35 evaluations of international development projects in Central and South America, the Caribbean and Southeast Asia. These projects focused on workers’ rights, child labor, and occupational health and safety. The evaluator, in consultation with USDOL and IGUALDAD project staff, was responsible for developing the evaluation methodology, conducting interviews and other data collection processes, analyzing the data, and preparing the evaluation report.

2.3 METHODOLOGY

The methodology used for the data collection was primarily qualitative in nature. Quantitative data were obtained from project documents and reports and incorporated into the analysis. Data collection methods and stakeholder perspectives were triangulated for many of the evaluation questions to bolster the credibility and validity of the results. A structured interview protocol was followed, with adjustments for each person’s background knowledge and level of involvement in project activities. The data collection process included a document review, development of data collection tools, field visits, stakeholder interviews, and the compilation of data into a matrix for final analysis.

Evaluation Schedule: The evaluation was conducted over a six-week period extending from January to March 2018. The evaluator contributed to the development of the TOR, reviewed project documents, and developed interview tools prior to carrying out fieldwork in Mexico. The fieldwork was conducted from January 29 to February 9. The majority of data analysis and writing of the report took place between February 12 and March 2. The complete schedule of evaluation activities appears in Annex B.

Data Collection: The evaluation questions developed by USDOL and HAI served as the basis for the guides and protocols used in the key informant interviews and document reviews. The master

interview guide can be found in Annex C. A description of the methods employed to gather primary and secondary data appears below.

- *Document Reviews:* The evaluator reviewed and referenced numerous project documents and other reference publications. These documents included the justification for project redesign (mid-term), adjusted performance monitoring plan (PMP), quarterly technical progress reports (last quarter 2016 to last quarter 2017), outreach material and other supporting documents obtained during the fieldwork component. Annex D shows a complete list of the documents reviewed.
- *Key Informant Interviews:* The evaluator conducted interviews with stakeholders in Mexico City and Jalisco. A total of 120 stakeholders (57 males and 63 females) were interviewed individually or in small groups. These included IGUALDAD project staff/HAI representatives; state and federal Ministry of Labor representatives; employer sector representatives; private sector workers; members of civil society organizations; representatives of independent unions; and representatives of the U.S. Government. Table 2 provides a summary of the stakeholder groups interviewed, respective sample size, and group characteristics. A complete list of individuals interviewed appears in Annex E.

Table 2: Stakeholders, Sample Size and Sample Characteristics

| Stakeholder Group | Sample Size | | Sample Characteristics |
|--|-------------|----|---|
| | M | F | |
| IGUALDAD project staff /Heartland Alliance International (HAI) | 3 | 3 | Individual and group interviews with six members of the IGUALDAD project staff based in Mexico City and Guadalajara and one former staff member. |
| Mexican Ministry of Labor (Secretaría del Trabajo y Previsión Social: STPS), Federal Level | 12 | 15 | Individual or group interviews conducted with eight different units within the Mexican Ministry of Labor: Inspection, Inclusion, International Affairs, Attorney General, Gender, and Professional Development. The Ministry of Labor is the project’s primary counterpart. |
| STPS federal labor inspectors | 13 | 16 | Video conference with STPS federal delegates and inspectors in 13 states; focus group interview with federal inspectors in Jalisco |
| Ministry of Labor in the State of Jalisco (STPSJ) | 3 | 3 | Group interview with STPSJ staff that participated in the project’s training on D-GSOPS; individual interview with Jalisco’s Secretary of Labor. |
| Private Sector Management | 8 | 6 | Representatives of private enterprises that participated in the project’s training and round table discussions on best practices. |
| Private Sector Workers | 2 | 4 | Employees of workplaces that participated in training on D-GSOPS. |

| Stakeholder Group | Sample Size | | Sample Characteristics |
|-----------------------------|-------------|-----------|---|
| | M | F | |
| Trade Unions | 9 | 8 | Representatives from two independent trade unions. |
| Civil Society Organizations | 7 | 5 | Representatives from three non-governmental organizations that won the project’s sub-awards to conduct outreach in Jalisco. |
| U.S. Government | -- | 3 | Representatives from U.S. Embassy in Mexico City and USDOL in Washington, D.C. |
| TOTAL | 57 | 63 | |

Discussion: All efforts were made to ensure that the evaluator interviewed an equal number of male and female stakeholders from tripartite sectors. Stakeholders were selected based on their knowledge of and participation in project activities. The vast majority of interviews (47%) involved STPS officials and labor inspectors at the federal level, which is the project’s primary counterpart. The remaining interviews targeted employers, private-sector workers, trade unions, U.S. Government representatives, and local STPS officials in Jalisco.

Data Analysis: The document review and stakeholder interviews generated a substantial amount of raw qualitative data, which then was categorized, synthesized, and summarized. The data analysis process was driven by the TOR evaluation questions.

Debriefing: The evaluator conducted an online debriefing (live audio and desktop sharing) with 16 stakeholders in three different locations: Mexico City, Chicago and Guadalajara on February 8, 2018. Stakeholders represented STPS, civil society organizations, project staff and HAI international headquarters. This provided an opportunity to solicit clarification and gather further input on the preliminary findings.

Limitations: The findings for this evaluation are based on information collected from background documents and interviews with tripartite stakeholders in Mexico City and Guadalajara. The accuracy and usefulness of the evaluation findings relies on the integrity and relevance of the information provided to the evaluator from the available sources.

III FINDINGS

The following findings are based on fieldwork interviews conducted with project stakeholders in Mexico (Table 2), and a review of project documents and reports. The findings address the questions in the evaluation TOR and are organized according to the principle focus of each evaluation question: mid-term revisions, effectiveness, sustainability, lessons learned, and good practices.

3.1 MID-TERM PROJECT REVISIONS

What progress did the project make in implementing the midterm recommendations? What effect did the midterm recommendations have on the effectiveness and impact of the project's interventions?

The mid-term evaluation of July 2016 identified several challenges that impeded the project's ability to achieve its objectives. This included delays or difficulties in coordinating project activities with government stakeholders; limited participation by private sector employers; insufficient progress in raising worker awareness on D-GSOPS issues; and the absence of a mechanism for reporting D-GSOPS cases.

Table 3 lists three of the principal challenges identified during the mid-term (MT) evaluation, along with the recommendations of the independent evaluator to immediately address these challenges. Follow-up remediation measures taken by HAI appear to the right.

Table 3: Mid-term Challenges and Remediation Measures

| MT Challenges Identified and Recommendations for Remediation | Actions Taken by HAI |
|--|--|
| <p>(1) Challenge Identified: <i>Limited buy-in and support from STPS officials in the State of Mexico (STGEM) to conduct strategic training workshops (related to Activity 1.1.2.3).</i> At mid-term, the project had made very little progress toward implementing activities in the State of Mexico, which was one of two pilot states (Jalisco being the other).</p> <p>MT Recommendation: “Project staff should immediately begin implementing the various project activities that target STGEM, and provide frequent feedback to state ministry officials and the federal delegation on the results of these activities.”</p> | <p>Description of Actions Taken: Shortly after the highly anticipated collaborative agreement was signed, the state's labor minister resigned; efforts to reach out to the new state labor minister went unanswered. The decision was made to drop the State of Mexico as a pilot participant and focus on Jalisco and Mexico City.</p> |
| <p>(2) Challenge Identified: <i>Limited employer participation in workplace gender discrimination assessments carried out by civil society organizations (related to Activities 1.2.1.3 and 1.2.1.4).</i> Private sector employers resisted having civil society organizations conduct site visits and document compliance with labor discrimination laws.</p> | <p>Description of Actions Taken: The workplace assessments were initially perceived as antagonistic and fault-finding. The CSOs responded with a more positive and proactive approach, helping companies to identify good practices and opportunities for improvement. This was accomplished through</p> |

| MT Challenges Identified and Recommendations for Remediation | Actions Taken by HAI |
|--|---|
| <p>MT Recommendation: “Project staff should make a concerted effort to raise the awareness of employers regarding their obligations to comply with gender-related anti-discrimination policies. The project should implement personalized strategies to gain the support of specific employers and secure their participation in project activities. Project staff should aim to complete the workplace assessments by the first quarter of year three in order to allow sufficient time to assess the impact of recommendations to improve compliance with anti-discrimination policies.”</p> | <p>awareness training on D-GSOPS, round-table discussions with employers to share good labor practices and STPS social compliance mechanisms, and inclusion of gender themes in employee manuals.</p> |
| <p>(3) Challenge Identified: <i>Insufficient outreach to workers regarding D-GSOPS issues; lack of clarity on mechanism to report gender-related discrimination cases (related to Activity 3.1.1).</i></p> <p>MT Recommendation: “Project staff should expand awareness-raising efforts to increase project participation and buy-in of employers, CSOs and worker organizations that have been absent or reluctant to participate. Project staff should look for existing venues to promote STPS’s social compliance mechanisms, recognize good employer practices, and disseminate information to workers and worker organizations on gender-related anti-discrimination policies and reporting mechanisms.”</p> | <p>Description of Actions Taken: HAI made a concerted effort to increase its awareness-raising activities for workers by developing a 12-hour “gender training” targeting private sector workers. The project also shifted its focus to working with PROFEDET on the labor discrimination reporting mechanism, based on PROFEDET’s interest in supporting this activity and its role as a defender of workers’ rights.</p> |

Discussion: Following the mid-term evaluation, USDOL and HAI discussed opportunities to strengthen the program’s impact in its final year of implementation. This involved modifying or eliminating activities that had proven futile, while maintaining the project’s original strategic objectives and anticipated outcomes. The lack of responsiveness on the part of STGEM in the State of Mexico justified its elimination from the pilot activities. Likewise, the employers’ negative perception of the gender discrimination workplace assessments justified the elimination and replacement of this activity with a more positive and proactive approach toward employer compliance with national anti-discrimination laws. The 12-hour training developed for workers and employers provided an opportunity to raise awareness regarding D-GSOPS. Finally, the decision to collaborate with PROFEDET on the labor discrimination reporting mechanism was justified based on PROFEDET’s important role in defending the rights of workers.

3.2 ACHIEVEMENT OF INDICATOR TARGETS

Did the project achieve the planned indicator targets? What were the key factors that facilitated or hindered the achievement of the indicator targets?

This section provides a quantitative assessment of the project’s effectiveness based on the performance indicator targets outlined in the project’s performance monitoring plan (PMP).

3.2.1 Performance Monitoring

HAI requires its projects worldwide to develop an internal performance monitoring tool known as "PRIME Dashboard" (PRIME), while USDOL requires projects to develop a performance monitoring plan (PMP). The PRIME tool facilitates ongoing monitoring of project activities, outputs and outcomes through its 17 outcome indicators and 34 output indicators. The project's PMP has seven outcome-oriented performance indicators that also are contained in the PRIME tool and serve as key performance indicators for the monitoring of project progress. Data on these seven indicators are updated regularly in the project's PMP Data Tracking Table and submitted to USDOL every six months.

3.2.2 Achievement of Key Performance Indicator Targets

Table 4 provides an analysis of project performance by examining the degree of achievement of seven key performance indicators at the strategic objective level.

Table 4: Status of Achievement of Key Performance Indicators through Feb. 28, 2018

| Strategic Objectives and Performance Indicators | End-of-Project Targets | % of Target Achieved | Status/Description |
|--|------------------------|---|---|
| SO 1: Improved enforcement of the expanded protections against labor discrimination under Mexican labor law by STPS labor inspectors, with a focus on D-GSOPS. | | | |
| % of federal inspectors that score at least 70/100 in the training course "Mainstreaming the gender perspective in labor inspection" | 85% | 109% | Of the 697 labor inspectors who completed both the pre- and post-tests, 649 (93%) scored at least 70/100. |
| # of General Working Conditions inspection visits that include the newly developed gender indicators during the pilot stage | 300 | 230% | STPS federal labor inspectors conducted 690 (230%) inspection visits to pilot the gender indicators. |
| % of General Working Conditions inspection visits that make use of the Gender Indicators and finalized Gender Inspection Guidelines | 75% | 0% | As of February 2018, the gender indicators and gender inspection guidelines had not been finalized. |
| SO 2: Increased employer participation in STPS social compliance programs that incorporate best practices with respect to combatting labor discrimination, with a focus on gender discrimination. | | | |
| % change in the number of employers participating in STPS social compliance mechanisms | 50% | 2015 (baseline) / 2016 · (new) 20% · (renewals) ≥464% · (all) +5% | <i>(Figures reflect National totals)</i> • 2015 (baseline year/pre-electronic platform): 843 new awardees; 37 renewals • 2016 (platform launched): 674 new awardees; 246 renewals |
| | | 2016 / 2017 · (new) +9% · (renewals) ≥5% · (all) +8% | • 2017: 735 new awardees; 258 renewals • 2018: data not yet available |

| Strategic Objectives and Performance Indicators | End-of-Project Targets | % of Target Achieved | Status/Description |
|--|------------------------|--|---|
| | | 2015 (baseline) / 2017 · (new) 13% · (renewals) ≥497% · (all) +13% | |
| SO 3: Improved worker understanding of the 2012 legal reforms on labor discrimination, with a focus on gender discrimination, discrimination on the basis of sexual orientation, sexual harassment, and mandatory pregnancy testing, and increased knowledge of how and willingness to report violations. | | | |
| # of visits to newly-launched online reporting mechanism | 1000 | 0 | As of February 2018, the online reporting mechanism was still in development by PROFEDET in conjunction with HAL. |
| # of reports developed using newly-launched online reporting mechanism | 10 | 0 | As of February 2018, the online reporting mechanism was still in development |
| % of workers surveyed that score at least 70/100 in a test regarding labor law and mechanisms to report violations | 60% | 0 | As of February 2018, the online reporting mechanism, which includes a worker survey, was still in development. |

Discussion: As of the end of February 2018, the project had met and exceeded the target values for two of the three key performance indicators associated with strategic objective (SO) 1; the third performance indicator on use of the Gender Indicators and Gender Inspection Guidelines could not be assessed, as they are still in the process of being finalized.

Definitive progress was made in the past three years toward the achievement of SO2, although a measure of that progress is inexact due to the non-mutually exclusive, multi-year nature of the *Distintivos* renewal data, and the fact that 2016 was a year of trial and error as the online platform was launched and troubleshot concurrent with the call for *Distintivos* applications. An examination of the national aggregate data for *Distintivos* recipients from 2015 (baseline year/pre-electronic platform) to 2016 showed a 5% increase overall in participation, as measured by total number of awardees (including renewals); from 2016 to 2017 there was an 8% increase overall in participation. A comparison of the 2015 baseline to the 2017 data showed a 13% increase overall in participation as measured by total number of awardees for that year.

The subsequent disaggregation of the data by year into new awardees and renewal awardees brought to light some additional trends of interest. From 2014 forward (years for which data were available), the number of new *Distintivos* recipients (non-renewal) per year ranged from 667 to 843 awardees. Although there was some fluctuation, these values suggest a solid pre-project base of work on the part of STPS, complemented and enhanced by the project’s intervention strategies aimed at increasing employer participation in the social compliance programs.

Perhaps of greatest interest within the disaggregated data is the dramatic increase in the number of *Distintivos* renewals from 2014 and 2015 (baseline/pre-platform) as compared to 2016 (platform launched), representing an increase of almost **500%**; this occurred even with the challenge in 2016 of implementing the platform while soliciting applications. This same trend of strong numbers for the renewals held true for the 2017 national data, as well.

The three key performance indicators for SO3 are dependent upon the completion of (a) the online reporting mechanism, (b) the worker survey, and (c) the awareness materials. These tools and materials are still under development by PROFEDET in collaboration with HAI; completion and uploading of these items is expected to occur by the end of the extended project timeline. Other factors affecting the achievement of the project’s three strategic objectives will be discussed in the following sections.

3.3 EFFECTIVENESS OF STRATEGIES TARGETING STPS LABOR INSPECTORATE

How did project activities contribute to the strengthening of the labor inspectorate in the pilot states and its ability to enforce gender-related anti-discrimination policies in the workplace? Were there any barriers or challenges in enforcing such policies?

The following section examines the qualitative evidence for the effectiveness of key project activities targeting STPS’s department of federal labor inspection known as DGIFT (*Dirección General de Inspección Federal del Trabajo*). These activities included (1) training federal labor inspectors on gender-related discrimination issues, and (2) developing and then piloting gender indicators in STPS General Working Conditions inspection visits.

3.3.1 Training for Labor Inspectors on Gender-related Discrimination Issues

Background: During the first half of the IGUALDAD project, HAI developed a 20-hour awareness-raising course on gender-related discrimination issues. HAI then modified this course (in consultation with DGIFT) into a simplified six-hour training for federal inspectors nationwide. The digitized training course was uploaded onto DGIFT’s training platform, “SICADIT,” in October 2017. By early November 2017, 697 federal labor inspectors throughout the country had completed the online training. The SICADIT training platform required subsequent modifications that were to be carried out in conjunction with HAI’s technology contractor; completion of these updates is expected by the end of the extended project timeline.

Feedback on Training Program: Two top officials from DGIFT expressed overwhelming approval of the tailored online training course, stating that labor inspectors previously were not sufficiently sensitized: “Our inspectors need to recognize gender-related discrimination; we have to do more to help workers that are being discriminated.” At the same time, inspection officials spoke of the need to have clear protocols detailing how to refer workers who have experienced gender-related discrimination: “We are not prepared to handle such cases during our inspection visits. Inspectors currently can offer very little in the way of follow-up.”

HAI had originally intended to work with DGIFT on a mechanism to report cases of D-GSOPS, but later became aware that DGIFT does not process reports of labor violations nor does it provide follow-up for victims of labor violation. Rather, this falls within the duties of PROFEDET, a decentralized branch of the STPS Attorney General’s Office that provides advisory and legal services to workers on labor rights and obligations. As a result, during the second half of the project timeline, HAI initiated discussions with PROFEDET regarding the mechanism for reporting gender-based labor violations. Further details regarding PROFEDET’s role in developing a

reporting mechanism and educating workers on D-GSOPS appears in Section 3.6, Effectiveness of Strategies Targeting Workers.

3.3.2 Piloting Gender Indicators in STPS Labor Inspection Visits

Background: Since the initial stages of IGUALDAD, HAI sought to develop an inspection protocol on D-GSOPS to correspond with the new protections contained in the Federal Labor Law. This led to a collaborative effort between HAI and DGIFT to develop a new inspection protocol containing “gender indicators” to detect discrimination based on gender, sexual orientation or pregnancy status.

Pilot Process: The Gender Indicators were piloted in November 2017 by federal labor inspectors from 19 of 32 federal entities or states. This involved a total of 690 inspection visits and 1,681 questionnaires. During the final evaluation interviews, several inspectors from the pilot states mentioned administering the questions via a separate printed survey handed out to workers, rather than as part of the digitized inspection guide known as “SIAPI.” It was later determined that the questions were administered as part of a separate printed survey handed out to workers by inspectors. HAI confirmed that the inspectors should have administered the questions within SIAPI, which would have permitted a more realistic assessment of the feasibility of integrating the Gender Indicators into the routine inspection protocol.

The project encountered numerous barriers to incorporating the Gender Indicators into the labor inspection protocol. These included a lack of buy-in from inspectors; unclear phrasing of the gender indicator questions; an inconsistent pilot process; and inspector concerns regarding the proper procedure to follow in suspected cases of discrimination. As a result, STPS informed HAI on March 2, 2018 that it would not pursue the integration of the Gender Indicators into the SIAPI inspection guidelines.

Inspector Feedback: On January 31, 2018, a videoconference was held between the evaluator and approximately 33 federal delegates and inspectors from 11 states who participated in the piloting of the Gender Indicators. Their feedback is summarized in Table 5 and is categorized into three areas: (1) discomfort of workers to answer gender discrimination questions; (2) inspector skepticism; and (3) suggestions for improving the gender discrimination questions and the pilot process.

Table 5: Feedback of Labor Inspectors on Gender Indicators Pilot

(1) Discomfort of workers to answer gender discrimination questions

- “Workers felt like their privacy was being invaded.”
- “Workers were afraid to answer truthfully.”
- “Workers did not trust that this information would remain confidential.”
- “Workers made no eye contact and answered almost all of the questions, ‘not sure.’”
- “Management can see everyone we talk to; workers didn’t trust us.”

(2) Inspector skepticism

- “If we interview workers, we must ask for their name and signature as part of the inspection record. This could result in retaliatory actions against workers.”
- “We need more training to feel comfortable with sanctions based on circumstantial evidence.”
- “These are very subjective questions, and it wouldn’t be feasible to integrate them into the inspection protocol.”
- “What happens if we detect a problem? We don’t know what to do with the information.”
- “Why are we being asked to administer these questions?”

(3) Improving the gender discrimination questions and the pilot process

- “Get input from labor inspectors on the contents of any worker survey. This could help avoid a lot of problems.”
- “Questions should be clear and use everyday language; a couple of these questions were confusing for workers.”
- “The pilot process felt rushed. Inspectors needed more time for training, and an opportunity to provide input or voice their concerns. This was a very top-down approach to piloting.”
- “It is important to be subtle when asking these types of questions. These questions bordered on offensive.”
- “Be sure to explain the purpose of the questionnaire and reassure workers that their answers are confidential.”

Discussion: It is clear from feedback obtained during the videoconference that there was a consensus of concern expressed by the inspectors regarding (a) the subjective nature of the questions and how the collected information would be used; (b) worker concerns over the degree of confidentiality of the information provided; (c) insufficient training on proper administration of the questionnaire; (d) lack of input by inspectors on the contents of the questionnaire; and (e) lack of a clear protocol outlining proper steps for follow-up and referral.

Although DGIFT officials and HAI project staff developed the Gender Indicators jointly, individual inspectors were not consulted as part of this process. According to HAI, consultation with field inspectors is not standard procedure. During the videoconference, inspectors from several states expressed discomfort with the nature of the questions, and in some cases were unclear as to the purpose of the questionnaire. Some inspectors simply were not motivated to detect these types of discrimination issues. In addition, some of the survey questions contained confusing language. As a result, inspectors identified the need for simpler wording and more close-ended questions for easier comprehension.

Three inspectors that participated in the videoconference stated that they did not experience any difficulty when asking or obtaining answers on the gender discrimination questions, but they did express concern over their lack of authority to provide follow-up on suspected cases of discrimination. The majority of inspectors stated that they were unsure of the proper referral procedures.

Political will: At least three stakeholders familiar with STPS processes questioned whether there was sufficient political will on the part of DGIFT to develop a new inspection protocol containing indicators to assess discrimination based on gender, sexual orientation and pregnancy status. An additional stakeholder pointed out that the project design lacked a specific public policy component to advocate at the national or local levels for gender equity and anti-discrimination policies in the workplace. This was complicated further by the fact that the IGUALDAD project started halfway through the current administration’s six-year term, hindering its ability to advocate for the addition of national agenda items of this magnitude. As stated by one stakeholder, “*STPS publishes its national policies as mandated by each new administration. There currently are four guiding principles that outline the labor priorities for this administration, and gender-related discrimination issues do not appear in any of them.*”⁵ In response, a USDOL representative identified the 2012 reform of the Federal Labor Laws and its expanded protections against labor discrimination as a major impetus for the project. This included broadening the definition of discriminatory actions or practices within the workplace.

3.4 EFFECTIVENESS OF STRATEGIES TARGETING EMPLOYERS

Did the IGUALDAD project successfully engage employers and increase their participation in STPS social compliance programs? What evidence exists that demonstrates employers’ improved compliance with workplace anti-discrimination policies?

Project strategies that targeted employers focused on increasing their participation in three of STPS’s ongoing social compliance programs: two “Distinguished Enterprise” awards (*Distintivos*), and a certificate of compliance with the Mexican Standard for Labor Equality and Non-discrimination (*Norma Mexicana* NMX-R-025-SCFI-2015 or Norma 025). The application process requires employers to self-report their practices and submit supporting evidence that then undergoes a verification process. The IGUALDAD project successfully contributed to strengthening employer participation in these social compliance mechanisms by supporting the following activities: (1) developing an online platform to facilitate employer participation in the STPS *Distintivos*; (2) developing a database of good labor practices with a gender perspective; and (3) designing a communication strategy in conjunction with STPS to promote all three social compliance mechanisms.

3.4.1 Online platform to facilitate employer participation in the *Distintivos*

HAI supported the development of an online platform to facilitate employer participation in the two *Distintivos* (DEFR and DEI).⁶ As described in Section 3.2, this platform was first put into effect with the 2016 *Distintivos*. According to STPS Inclusion and Gender officials, HAI consulted with STPS throughout the development phase of the online platform to ensure a final product that would meet the needs of STPS administrators and participating workplaces. Six STPS officials highlighted the usefulness and effectiveness of the online platform, stating that it enabled the

⁵ STPS’s National Labor Policies (2013-2018) website:

http://www.stps.gob.mx/bp/secciones/transparencia/anexo/PROGRAMASECTORIAL_STPS251113.pdf

⁶ STPS’s Distinguished Enterprise awards website: www.distintivos.stps.gob.mx

implementation of a consistent protocol for *Distintivo* applicants and enhanced the ability to analyze data more accurately and efficiently.

STPS officials expressed some disappointment in the video tutorials on platform use based on some inaccuracies. They suggested the development of a manual with steps for troubleshooting problems that can arise when using the platform. HAI responded by saying that the video tutorials became less useful as changes were made to the online platform.

Intellectual Property Rights: STPS officials from both the International Affairs Department and the Inclusion Department emphasized the importance of donating intellectual property rights of electronic platforms to the recipient country as part of any international cooperative agreement. According to these officials, the HAI contractor, Interdev, initially did not intend to donate the rights to the platform. This would have prohibited STPS from making any changes or adjustments as needs evolved. HAI clarified, however, that the donation of intellectual property rights was never disregarded. In fact, HAI began working with STPS’s Legal department in 2016 to begin the donation process.

3.4.2 Database of best business practices

HAI also supported the creation of a digitized database of good business practices to increase employer participation in the social compliance mechanisms. This electronic database contains examples of good practices from companies who have received the Distinguished Enterprise award. The database categorizes good practices by topic and subtopic; for example, the topic “Equal Opportunities” has subtopics such as “Gender Perspective” and “Participation of Women.” The database is available online at <http://distintivos.stps.gob.mx/KnowledgeBase>.

3.4.3 Communication strategy to promote social compliance mechanisms

HAI supported the development of a comprehensive communication strategy designed to promote STPS social compliance mechanisms. An external communications expert was scheduled to begin working with STPS officials on the communications campaign in September 2016; however, due to HAI internal hiring delays, the communications expert did not begin until March 2017. This expert worked with the STPS Inclusion Department and Communications Department to develop storyboards to promote the *Distintivos*. Additional delays in the STPS approval process resulted in the resignation of this communications expert. A second communications expert was then hired to complete the promotional materials, including



Infographic developed by the project to promote the STPS *Distintivo* on inclusive workplace practices.

infographics, posters, radio spots and short television spots. Figure 1 provides an example of a project infographic designed to communicate complex information in an easy-to-understand format. Approval of these promotional materials from the Office of the Presidency is pending.

3.5 EFFECTIVENESS OF STRATEGIES INVOLVING CIVIL SOCIETY ORGANIZATIONS

How did members of Mexico’s civil society participate in the IGUALDAD project? What barriers and opportunities exist to sustain their participation and further promote gender-related anti-discrimination policies?

The IGUALDAD project strategy included alliances with civil society organizations (CSO) specializing in human rights issues; these relationships were cultivated during the first half of the project timeline. In August 2016, HAI announced the availability of sub-awards to CSOs with a background in conducting outreach and training on D-GSOPS issues. Three CSOs were selected as sub-awardees in September 2016, although implementation of key activities did not begin until a year later due to HAI internal administrative delays. As a result, the three CSO sub-awardees only had six months, rather than one year, to carry out the activities. A quantitative and qualitative analysis of the results of CSO activities follows.

3.5.1 Quantitative analysis of CSO activities

HAI assigned the three CSO sub-awardees (Incidir, CIES and Impulso Trans) specific target numbers for each output or activity. Table 6 presents the completion rates of selected activities for each CSO.

Table 6: Status of Achievement of CSO Selected Activities through February 2018

| CSO Selected Activities | % Completion of Targets | | | | | |
|--|-------------------------|------------|---------------|------------|----------------|------------|
| | CSO 1: Incidir | | CSO 2: CIES | | CSO 3: Impulso | |
| | Target Number | % Achieved | Target Number | % Achieved | Target Number | % Achieved |
| 20-hour training for STPS Jalisco employees on D-GSOPS issues (Act. 1.2.3) | 2 | 100% | 2 | 100% | 1 | 100% |
| Awareness-raising sessions on D-GSOPS issues for private-sector workers in Jalisco (Act. 3.3.3) | 3 | 67% | 3 | 167% | 3 | 100% |
| Roundtable discussions “Espacio Seguro” with employers on good labor practices and social compliance mechanisms (Act. 3.3.2) | 3 | 67% | 3 | 67% | 3 | 67% |

Discussion: Despite the late start in initiation of key activities, the three CSOs were able to achieve their target number of 20-hour trainings for STPSJ personnel. Two of the three CSOs achieved or surpassed their target number for awareness-raising sessions for private-sector workers; the third completed two of the three trainings. All of the CSOs completed two of the three roundtable discussions with groups of employers to discuss good labor practices and social compliance mechanisms. It is not clear whether the CSOs would complete the outstanding activities during the project’s extended timeline. In addition to these selected activities, CSOs provided some assistance to employers in converting the training information to concrete actions such as integration of anti-discrimination policies into company codes of conduct. Follow-up activities were impacted by the short timeframe provided to carry out this labor-intensive effort.

3.5.2 Qualitative analysis of CSO project activities

Effect of Condensed Timeline: Interviews with 12 representatives from the three CSO sub-awardees identified the condensed timeframe as a barrier to carrying out a more strategic outreach plan targeting private-sector workers and employers. With half of the originally allocated time to carry out activities, CSOs were forced to work with any workplace that would “open its doors.” They relied on both their organizational and personal contacts to enter workplaces, and suggested that HAI should have cultivated relationships with employer associations prior to the subsequent contact by CSOs.

HAI Response to Sub-Award Delay: In response to CSO concerns regarding start-up delays, HAI asserted that the time allotted was sufficient for the realization of the sub-awarded activities. HAI attributed the delay in the initiation of key activities to the time required to (a) perform a thorough evaluation of the organizational capabilities of each sub-awardee, and (b) conduct a legal analysis of how to proceed with CSO contracts that were not officially registered as tax exempt. HAI also attributed some of the delay to the need to wait for certain project outputs such as the outreach materials for the *Distintivos*, and the reporting mechanism that is yet to be completed. Sub-awardees’ tax exemption is not a requirement of USDOL; however, it might be required of HAI headquarters.

Quality vs. Quantity: Although there was pressure to achieve target numbers in a compressed time period, the CSOs unequivocally expressed the importance they ascribed to the quality of their work. As stated by one CSO representative, *“We put so much more into this program than was ever expected of us.”* They also expressed disappointment over the fact that HAI staff did not attend any of their trainings or roundtable discussions. The two HAI representatives in Jalisco confirmed this assertion, stating that they chose to focus on their many administrative and project management duties.

Private-sector employers and workers confirmed the quality of the activities carried out by the CSOs. Workers who participated in the awareness sessions commented that they had never previously discussed anything related to gender or discrimination in their staff meetings. They felt that the CSO facilitators made it easy to talk openly or ask questions. Two workers expressed discomfort with some of the topics discussed based on their personal beliefs, but said that the message of respect and tolerance was well-received: *“It used to be acceptable to kid around about someone being gay. Now we have a better understanding of our differences, and we must respect those differences.”*

General managers and human resource (HR) personnel applauded the professionalism of the CSO representatives and their level of commitment toward raising awareness on issues of gender-related discrimination. One HR manager described the CSO facilitators as “passionate,” and was pleasantly surprised by their openness to talk about personal experiences as targets of gender discrimination. Several managers were particularly appreciative of the technical assistance provided by the CSOs, including assessments of compliance with the Mexican Standard for Labor Equality and Non-discrimination (Norma 025) and the integration of inclusive language into company protocols.

3.5.3 CSO Capacity Building

An underlying goal of working with civil society organizations centers on the building of local capacity. The three CSO sub-awardees commented on the knowledge and skills they had gained from their participation in the project: “*We have a lot more capacity than we realized!*” Another CSO representative stated that she felt completely confident to continue as a resource on gender-related discrimination. Representatives from a third CSO commented that the project had expanded their workplace network; they plan to continue expanding in order to protect workers from D-GSOPS. Further discussion of the sustainability of CSO participation is discussed in Section 3.7, Sustainability.

3.6 EFFECTIVENESS OF STRATEGIES TARGETING WORKERS

How did project activities directly benefit workers? Are workers aware of policies that protect them from labor discrimination including sexual harassment and discrimination based on gender, sexual orientation, and pregnancy status? Are workers aware of the process for filing complaints with the Ministry of Labor?

Two of the project strategies specifically aimed to improve workers’ understanding of legal reforms on labor discrimination through (a) D-GSOPS awareness training, and (b) the development of a mechanism to report gender-related discrimination cases to STPS. Both strategies were not fully realized until the project’s third year. These strategies focused on awareness-raising events conducted by CSOs; targeted outreach by HAI to trade unions; and assistance by HAI in the development of a reporting mechanism and the corresponding educational materials to promote it. The following section discusses HAI’s outreach to trade unions and the development of the reporting mechanism. For more information on the CSOs’ awareness-raising events, see Section 3.5.

3.6.1 Outreach to trade unions

As reported in the mid-term evaluation, the project had difficulties gaining the support and participation of trade unions in the project activities. HAI eventually succeeded in developing alliances with two independent trade unions: Telephone Workers’ Union at the national and state levels (*Sindicato de Telefonistas de la República Mexicana* or STRM), and Laborers and Farmworkers Union in Jalisco (*Sindicato de Obreros y Campesinos* or CROC).

STRM: Interviews were conducted with 11 trade union members from STRM who participated in the training course on issues of gender, sexual diversity, discrimination, pertinent labor laws,

human rights and labor rights. Representatives from STRM’s Gender Equity Department stated that they wished they had taken the training years ago. They now have a better understanding of D-GSOPS and described ways in which they are applying their new knowledge and skills to develop protocols for assessing and taking action in D-GSOPS cases. Even with this progress, the STRM union as a whole is still slow to recognize the magnitude of the problem or agree upon steps to follow or strategies to prevent D-GSOPS. Some interviewees suggested that the topic be integrated into member induction training and general assemblies as a way to educate members on these issues.

CROC: This union has a long history of male dominance in its leadership; it wasn’t until recently that women were included on the leadership team. The union’s meeting rooms and foyer are decorated with a multitude of pictures and bronze busts of past and present male CROC leaders. Two women union leaders interviewed by the evaluator commented as their picture was being taken, *“One day we hope our head is placed on a pedestal”* (see Fig. 1).

The five CROC union leaders interviewed (two females, three males) all described the training as a “breakthrough” in a male-dominated trade union where gender-related discrimination is still common. They provided examples of workplaces in which D-GSOPS is common. As stated by one leader: *“In one workplace they stopped contracting women because it led to too much harassment.”* In another workplace known to discriminate against gay workers, the company responded by issuing a mandate that supervisors form integrated teams with one “gay person” and one “normal person.”



CROC leaders posing with the IGUALDAD project director (center) and evaluator (right)

One female union leader pointed out that Mexico has one of the highest rates of femicide in the world (defined as the killing of a woman, in particular by a man, on account of her gender). In 2015, Mexico’s National Institute for Women estimated that six women are murdered per day, 180 per month and 2,190 per year.⁷ The union leader went on to reason that it is not surprising that women in the workplace are not respected.

3.6.2 Reporting Mechanism

As mentioned in Section 3.3, HAI intended to work with DGIFT on a mechanism to report cases of D-GSOPS, but later became aware that DGIFT does not process reports of labor violations nor

⁷ INMUJERES, *Boletín*, Año 3, Número 7, Julio 2017, http://cedoc.inmujeres.gob.mx/documentos_download/BoletinN7_2017.pdf

does it provide follow-up for victims of labor violation. This responsibility lies with the STPS’s Attorney General’s Office, PROFEDET. By December 2017, PROFEDET had established two commissions focused on the development of an electronic “microsite” that eventually will be uploaded to PROFEDET’s website. The microsite will have both the mechanism to report violations and an educational component to raise awareness on D-GSOPS using simple illustrations and everyday language.

Interviews were conducted with nine PROFEDET staff members assigned to the commissions by the acting Attorney General. They represented a cross-section of disciplines that included IT specialists, attorneys, social workers and communications specialists. All were able to confirm the value of this interdisciplinary approach to developing a microsite that would be easily accessible to workers. HAI supported the effort by hiring a communications expert to provide technical input on the microsite contents. The expected date of completion is April 2018.

3.7 SUSTAINABILITY PLAN

What are the key project outputs and outcomes that will likely be sustained beyond the life and the context of the project? Does the project have a strategy in place to sustain these elements? What factors might facilitate or hinder the sustainability of key outputs and outcomes?

HAI developed a sustainability plan during the project’s first year, as required by USDOL. This plan identified three types of elements that could promote the sustainability of project outcomes under each strategic objective: (a) **tools** to help strengthen STPS’s ability to document or report issues of workplace discrimination, or promote good practices; (b) **awareness raising** activities to broaden knowledge of labor rights with a gender perspective; and (c) **capacity building** of individuals and organizations to enhance technical expertise. The following discussion analyzes the status of the sustainability elements identified for each strategic objective, as well as the challenges encountered for achieving the desired sustainability.

3.7.1 Sustainability Elements for Strategic Objective 1

Strategic Objective 1 targeted the STPS labor inspectorate (DGIFT) with the intention of improving the identification of workplace discrimination and promoting labor laws that protect workers from D-GSOPS. Table 7 lists the sustainability elements identified in the project’s sustainability plan for Objective 1, and the progress made toward achieving each of these elements.

Table 7: Progress Toward Achieving Sustainability Elements for SO 1

| SO 1: Improved enforcement of the expanded protections against labor discrimination under Mexican labor law by STPS labor inspectors, with a focus on D-GSOPS. | |
|--|---|
| Sustainability Elements | Progress Toward Achieving Sustainability Elements for SO 1 |
| <ul style="list-style-type: none"> • Tools that will help strengthen the ability of STPS labor inspectorate to document and report workplace discrimination, | <ul style="list-style-type: none"> • Manual on gender-inclusive terms: HAI published a technical manual on gender-inclusive terms and inclusion of a gender perspective that can be referenced during the development of future STPS documents and tools. • Integration of gender indicators into SIAPI inspection guide: Following the pilot stage in November 2017 and subsequent feedback from the participating |

| SO 1: Improved enforcement of the expanded protections against labor discrimination under Mexican labor law by STPS labor inspectors, with a focus on D-GSOPS. | |
|--|---|
| Sustainability Elements | Progress Toward Achieving Sustainability Elements for SO 1 |
| or promote good practices | <p>federal labor inspectors, STPS made the decision to not include gender indicators in the SIAPI inspection guide.</p> <ul style="list-style-type: none"> • STPS electronic training platform: HAI is expected to complete the updated electronic training platform (SICADIT) by April 30, 2018. This platform will host the training curriculum on workplace discrimination issues and allow continual access to training by federal STPS inspectors throughout Mexico. The donation of the SICADIT platform to STPS is currently in process. |
| <ul style="list-style-type: none"> • Capacity building of individuals and organizations to enhance technical expertise | <ul style="list-style-type: none"> • Strengthened capacity of federal and local STPS inspectors: HAI trained STPS inspectors on gender-related discrimination issues and developed an electronic version of the training that was uploaded onto the SICADIT electronic training platform. |

Discussion: The project is expected to achieve three of the four sustainability elements identified for SO 1: the manual on gender-inclusive terms, the updated electronic training platform (SICADIT), and the online training on gender-related discrimination issues. Together these elements serve to sensitize STPS inspectors so that they can detect cases of workplace discrimination during their inspection visits. The fourth sustainability element, integration of gender indicators into the SIAPI inspection guidelines, was piloted but not achieved. The results of the pilot indicated significant obstacles in the areas of inspector training and buy-in, workers’ sense of confidentiality, and the need for follow-up protocols. These issues will need to be addressed prior to any future attempt to integrate gender indicators into the SIAPI inspection guidelines.

3.7.2 Sustainability Elements for Strategic Objective 2

Strategic Objective 2 targeted employers with the intention of increasing their participation in STPS’s social compliance mechanisms (*Distintivos*). These mechanisms document good practices currently in use by employers to combat D-GSOPS. Table 8 lists the sustainability elements identified in the project’s sustainability plan for Objective 2, and the progress made toward achieving each of these elements.

Table 8: Progress Toward Achieving Sustainability Elements for SO 2

| SO 2: Increased employer participation in STPS social compliance programs that incorporate best practices with respect to combatting labor discrimination, with a focus on gender discrimination. | |
|---|---|
| Sustainability Elements | Progress Toward Achieving Sustainability Elements for SO2 |
| <ul style="list-style-type: none"> • Tools that will help strengthen STPS’s ability to document and report workplace discrimination, or promote good practices | <ul style="list-style-type: none"> • Online platform: The project completed the online platform to facilitate employer participation in STPS’s social compliance mechanisms (Distinguished Enterprise or <i>Distintivos</i> award). This platform is hosted by the Government of Mexico and can be accessed by workplaces nationwide at http://distintivos.stps.gob.mx/. Donation of the platform’s intellectual property rights is in process. |

| SO 2: Increased employer participation in STPS social compliance programs that incorporate best practices with respect to combatting labor discrimination, with a focus on gender discrimination. | |
|---|---|
| Sustainability Elements | Progress Toward Achieving Sustainability Elements for SO2 |
| | <ul style="list-style-type: none"> • Database of good practices: The database of employer good practices to combat D-GSOPS is hosted within the same Government of Mexico website as the <i>Distintivos</i>: http://distintivos.stps.gob.mx/KnowledgeBase |
| <ul style="list-style-type: none"> • Awareness raising of labor rights with a gender perspective | <ul style="list-style-type: none"> • Promotion of social compliance mechanisms and good practices: The project collaborated with STPS on an awareness raising campaign to promote STPS’s social compliance mechanisms. The communication materials and strategies were approved in mid-February 2018, and the communications campaign will be launched on April 27, 2018. |

Discussion: The project both successfully achieved all of the sustainability elements identified for SO 2, and implemented an exit strategy. This included the development of (a) the online platform for the social compliance mechanisms, and (b) the database of good practices. Full ownership and operation of the platform will allow future changes as needed and greatly increase the likelihood of long-term sustainability. In addition, outreach materials designed to increase employer participation in the STPS social compliance mechanisms can be used annually.

3.7.3 Sustainability Elements for Strategic Objective 3

Strategic Objective 3 targeted workers and civil society organizations with the intention of improving their understanding of the legal reforms regarding D-GSOPS, and the mechanisms for reporting workplace violations. Table 9 lists the sustainability elements identified in the project’s sustainability plan for Objective 3, and the progress made toward achieving each of these elements.

Table 9: Progress Toward Achieving Sustainability Elements for SO 3

| SO 3: Improved worker understanding of the 2012 legal reforms on labor discrimination, with a focus on gender discrimination, discrimination on the basis of sexual orientation, sexual harassment, and mandatory pregnancy testing, and increased knowledge of how and willingness to report violations. | |
|---|--|
| Sustainability Elements | Progress Toward Achieving Sustainability Elements for SO3 |
| <ul style="list-style-type: none"> • Tool to facilitate reporting of workplace discrimination | <ul style="list-style-type: none"> • Reporting mechanism: HAI is working with the STPS Attorney General’s Office (PROFEDET) to develop an electronic mechanism for workers to report cases of D-GSOPS. This mechanism is expected to be uploaded to PROFEDET’s website by April 2018. |
| <ul style="list-style-type: none"> • Awareness raising of labor rights with a gender perspective | <ul style="list-style-type: none"> • Awareness raising of workers: HAI worked in conjunction with PROFEDET to design worker education materials on gender-related discrimination issues. These materials included infographics, storyboards, posters, radio and television spots. The communication strategies will focus on the expanded labor discrimination policies and the user-friendly online mechanism to report labor violations. |
| <ul style="list-style-type: none"> • Capacity building of individuals and organizations to enhance technical expertise | <ul style="list-style-type: none"> • Strengthened capacity of CSOs: The three CSO sub-awardees in Jalisco were trained on gender-related discrimination issues, and subsequently applied this information to the trainings and awareness-raising sessions that they conducted. |

Discussion: The project is near completion with regard to the first two sustainability elements identified for SO 3. HAI is working with the STPS Attorney General’s Office (PROFEDET) to complete the electronic reporting mechanism, which will be uploaded onto a microsite that will be found on the PROFEDET website. The microsite also will have information for the workers to raise their awareness on gender-related discrimination issues. The PROFEDET microsite should be completed and go live by April 2018. Regarding the third sustainability element of strengthened capacity of the three CSOs, each CSO has a plan for integrating gender-related discrimination issues as part of its ongoing outreach efforts.

3.8 LESSONS LEARNED AND GOOD PRACTICES

What practices or experiences are worth highlighting as holding potential to become good practices or lessons learned at the end of project?

A lesson learned can be based on both a positive experience, such as a successful outcome, or a negative experience, such as an undesirable result. It can evolve into a good practice if the benefits are deemed worthwhile for replication or scaling-up. The following lessons learned and good practices are based on the findings of the final evaluation.

Lessons Learned

- In order to tackle sensitive issues such as workplace discrimination based on gender, sexual orientation and pregnancy status, it is important to first gain trust and buy-in from key tripartite stakeholders. This can be difficult to achieve within a three-year implementation period and requires persistence, patience and time.
- In order to enhance project outcomes, it is important to initiate key project strategies in a timely manner. The delay of implementation of CSO outreach strategies resulted in a compressed timeline that affected both the depth and quality of services implemented by the civil society organizations, and compromised their ability to provide important follow-up activities.
- In order to create cohesive groups of employers for more effective sharing of good practices in roundtable discussions, it is important to establish a strategic approach to employer outreach that targets specific sectors, e.g., the hotel or automotive sectors. The implementation by CSOs of employer outreach activities without a strategic approach resulted in the participation of employers from unrelated sectors. This decreased the likelihood of peers contacting and supporting one another as they implemented good practices to prevent gender-related discrimination.
- In order to successfully develop, pilot, refine, and implement inspection gender indicators as an integral part of the labor inspection guidelines, it is critically important to include the input of active labor inspectors. This will encourage their buy-in and support, and will provide important feedback on the appropriateness and feasibility of the gender indicators.

Good Practices

- The development of simplified educational materials, i.e. infographics, makes complex information more eye-catching and comprehensible.
- Assessment of the existence of D-GSOPS within the labor inspectorate before the onset of training sensitizes and educates the inspectors on the prevalence of such discrimination within their own institution. This better prepares them to carry out workplace inspections and problem-solve identified cases of D-GSOPS.
- The sharing of good employer practices through a variety of mechanisms, e.g. roundtable discussions and the online database, helps to stimulate the interest and willingness of employers to implement similar practices.

IV CONCLUSIONS

Based on the specific findings outlined in Section III, the following conclusions can be made regarding the IGUALDAD project’s final assessment.

4.1 MID-TERM ACTIONS/REVISIONS

- The project adequately addressed the principal challenges identified during the project’s mid-term evaluation by (a) developing new outreach strategies targeting tripartite stakeholders, and (b) modifying or eliminating those that had proven futile, as in the case of the reduction to one pilot state or the elimination of the workplace assessments.

4.2 ACHIEVEMENT OF INDICATOR TARGETS

- **SO1:** The project successfully met the indicator targets related to inspectors’ increased understanding and knowledge of gender-related discrimination issues, and exceeded the number of workplaces that participated in the pilot stage of the gender indicators. At the same time, the indicator target on the use of gender indicators in STPS inspection guidelines was not achieved for reasons including insufficient political will on the part of DGIFT, insufficient buy-in on the part of inspectors, confidentiality issues on the part of workers, and lack of a clear follow-up procedure for cases of suspected discrimination.
- **SO2:** The data suggest that the online platform enhanced employer participation in STPS social compliance mechanisms by streamlining the application process and improving efficiency. The data also suggest that the number of employers renewing their applications continues to increase annually, demonstrating a willingness and motivation on their part to continue implementing the good practices that qualified them for their initial *Distintivo* award.
- **SO3:** Achievement of the three indicator targets measuring worker understanding of D-GSOPS, and the mechanism to report such violations, is still in progress; it is fully expected that PROFEDET, in collaboration with HAI, will complete the online reporting mechanism, worker survey and awareness materials. However, PROFEDET’s timeline for gaining the necessary government approval to upload the tools and materials to a microsite hosted on the Mexican Government/PROFEDET webpage might not coincide with the project’s timeline.

4.3 EFFECTIVENESS OF STRATEGIES TARGETING STPS LABOR INSPECTORATE

- **Online training course:** The project’s online training course successfully increased federal labor inspectors’ knowledge of gender-related discrimination issues. The application of this knowledge through integration of gender indicators into STPS inspection guidelines was not achieved. This can be attributed in large part to labor inspectors’ hesitancy to integrate the questions into their inspection guidelines, and workers’ hesitancy to provide

information based on a lack of understanding of the questions and/or concerns over confidentiality.

- There remains a need for a clearly articulated referral protocol for inspectors to follow in identified cases of gender-related discrimination, including clearly defined roles and responsibilities for follow-up. This referral protocol is contingent upon the completion of the reporting mechanism currently in development by PROFEDET and its integration into the STPS inspection protocol.
- The labor inspectors’ hesitancy over the integration of gender indicators into the inspection guidelines can be partially attributed to the subjective and/or confusing nature of the questions, as well as worker concerns over degree of confidentiality of the information provided.
- Gender-related discrimination issues were not identified as a mandated labor priority by the current government administration. This may have created a certain degree of insufficient political will from the beginning of the project. As such, the project design lacked a specific public policy component to advocate at the national or local levels for gender equity and anti-discrimination policies in the workplace.

4.4 EFFECTIVENESS OF STRATEGIES TARGETING EMPLOYERS

- HAI successfully implemented an online platform that facilitated employer access and participation in the STPS social compliance programs (*Distintivos*). This platform streamlined the application process and enabled STPS to collect and analyze data more accurately and efficiently. The STPS database of good business practices and the communication materials developed have the potential to further enhance employer participation in the social compliance mechanisms.

4.5 EFFECTIVENESS OF STRATEGIES INVOLVING CIVIL SOCIETY ORGANIZATIONS

- **Condensed timeline:** HAI’s one-year delay in initiating CSO activities based on the need to resolve internal administrative details may have compromised the potential impact of the CSO outreach activities. The condensed timeframe hindered the ability of the CSOs to (a) implement employer and worker outreach activities and strategically target specific work sectors, and (b) provide important follow-up activities to both workers and employers.
- **Strengthened capacity:** The qualitative evidence collected suggests that participating CSOs were able to strengthen their knowledge and skills on D-GSOPS issues. This will allow them to continue to serve as a local resource on gender-related discrimination issues for both employers and workers.

4.6 EFFECTIVENESS OF STRATEGIES TARGETING WORKERS

- **Trade unions:** The project effectively gained the support and participation of two independent trade unions, resulting in their firm commitment to scale-up awareness efforts to national affiliates and establish protocols for reporting gender-related discrimination. The CSOs will continue to serve as an important resource for trade unions as they begin to tackle gender discrimination issues in the workplace and within their trade unions.
- **Reporting mechanism:** HAI effectively facilitated the process to initiate development of a mechanism for workers to report cases of D-GSOPS. The online reporting mechanism currently being developed in conjunction with PROFEDET likely will increase the efficiency and effectiveness with which gender-related discrimination cases are reported, and increase the accessibility of information for workers with a range of literacy skills.

4.7 SUSTAINABILITY

- **Sustainability Elements for SO1:** The integration of the online training into the updated SICADIT training platform will enable STPS to provide ongoing training for labor inspectors on gender-related discrimination issues. Nevertheless, the project fell short of its goal to integrate gender indicators into STPS inspection guidelines. Obstacles in the form of inspector buy-in, confidentiality, and lack of a follow-up protocol will need to be addressed before gender indicators can be fully integrated into these guidelines.
- **Sustainability Elements for SO2:** The development and implementation of the online platform for the social compliance mechanisms and the pending donation of the intellectual property rights represent important sustainability elements accomplished by the project. In addition to facilitating the employers’ ongoing participation in the social compliance programs, the platform will enable STPS to collect important data regarding employer good practices, make adjustments as needed, and expand the social compliance mechanisms to promote other good practices in the workplace.
- **Sustainability Elements for SO3:** The online reporting mechanism and educational materials that are near completion will remain an integral part of the PROFEDET website. It is too early to say whether these elements will successfully improve workers’ understanding of D-GSOPS or facilitate the reporting of violations. The participating civil society organizations will remain a valuable resource for employers who are interested in further training on gender-related discrimination issues and/or initiating the process for obtaining one of the STPS social compliance mechanisms. The CSOs also will serve as a resource to workers in need of support who have experienced gender-related discrimination.

V RECOMMENDATIONS

The following recommendations are based on the findings and conclusions of the final evaluation. They are intended to provide HAI and USDOL with actions that can further strengthen project outcomes and/or be applied to similar projects.

- (1) **Stakeholder buy-in:** HAI should recognize the importance of programming sufficient time within the project design to gain the trust and buy-in of key stakeholders, especially when tackling sensitive issues such as workplace discrimination based on gender, sexual orientation and pregnancy status. USDOL should consider committing to longer-term financial support of projects that promote sensitive policy initiatives such as those that protect workers from D-GSOPS.
- (2) **Timely implementation:** HAI should resolve in a timely manner internal administrative issues that can impede the implementation of key project activities. Excessive delays within such a short project implementation period can negatively affect the quality of services implemented and compromise the ability to provide important follow-up activities.
- (3) **Employer outreach:** HAI should provide additional guidance to sub-awardees on employer outreach strategies. A strategic approach to employer outreach would foment the participation of employers from related sectors and increase the likelihood of peers contacting and supporting one another as they implement good practices to prevent gender-related discrimination.
- (4) **Gender indicators:** Future efforts to integrate gender indicators into the existing labor inspection protocol should take into account the perspective of active labor inspectors. This should include pre-pilot focus groups with the inspectors to (a) gain their buy-in, and (b) obtain their feedback on the feasibility and appropriateness of the proposed indicators as well as the efficacy of the data collection method itself. In addition, future efforts should include purposeful follow-up with STPS officials to reinforce their commitment toward the use of gender-related indicators to identify cases of D-GSOPS in the workplace.

ANNEXES

ANNEX A: TERMS OF REFERENCE

TERMS OF REFERENCE AN INDEPENDENT FINAL EVALUATION OF THE COMBATING LABOR DISCRIMINATION IN MEXICO (IGUALDAD) PROJECT

The U.S. Department of Labor (USDOL) has contracted O’Brien and Associates, International (OAI) to undertake an external final evaluation of the Initiative to Guard Against Labor Discrimination (IGUALDAD) project in Mexico. IGUALDAD is a three-year, \$1.389 million project that is funded by USDOL and implemented by Heartland Alliance International (HAI). The final evaluation is intended assess and document the achievements of the project, assess the likelihood of sustaining key project outputs and results, and document lessons learned that could be applied to other USDOL-funded projects.

The following Terms of Reference (TOR) serves as the framework and guidelines for the evaluation. It is organized according to the following sections.

1. Background of the Project
2. Purpose, Scope, and Audience
3. Evaluation Questions
4. Evaluation Management and Support
5. Roles and Responsibilities
6. Evaluation Methodology
7. Evaluation Milestones and Timeline
8. Deliverables and Deliverable Schedule
9. Evaluation Report

1. Background of the Project

The IGUALDAD project’s overall goal is to contribute to the protection of Mexican workers from sexual harassment and discrimination based on sexual orientation, gender, and pregnancy status. In November 2012, Mexico passed sweeping reforms to its Federal Labor Law (FLL). The reform expands protections against discrimination for workers by expressly prohibiting new categories of discrimination. The 2012 labor law reforms further refined the legal concept of sex discrimination in Mexico to recognize specific manifestations of such discrimination, including discrimination on the basis of gender and sexual orientation, sexual harassment, and forced pregnancy testing. The Mexican Ministry of Labor (Secretaría del Trabajo y Previsión Social or STPS) has begun implementing these new labor discrimination protections, but more work remains to be done. One significant challenge to effective enforcement is the small number of workers filing any labor discrimination complaints with authorities. Additionally, workers seem to be unevenly aware of the newly expanded list of prohibited categories of discrimination under the law.

The IGUALDAD project was established with the theory of change that if the Mexican Ministry of Labor (Secretaría del Trabajo y Previsión Social or STPS) has an expanded capacity to reach

employers and workers to educate them on best practices and enforce the new labor laws, then this will in turn lead to increased compliance with the new protections against labor discrimination, thereby resulting in decreased sexual harassment in the workplace and labor discrimination based on sexual orientation, gender, and pregnancy status. Specifically, the IGUALDAD project aims to increase compliance with Mexico’s expanded protections against labor discrimination with a focus on gender discrimination, discrimination based on sexual orientation, sexual harassment, and forced pregnancy testing by achieving the following objectives:

1. Improving enforcement of the expanded protections against labor discrimination by labor inspectors;
2. Increasing employer participation in social compliance programs; and,
3. Improving worker understanding of the legal reforms on labor discrimination.

The IGUALDAD project intends to produce a range of outputs associated with each of the three objectives, which are summarized below.

Output 1.1 STPS labor inspectors better identify and remedy violations related to unlawful labor discrimination practices. In order to achieve this, HAI believes two other results need to be achieved:

Output 1.1.1: STPS labor inspectors have better tools and skills to remedy violations related to unlawful labor discrimination practices.

Output 1.1.2: Relevant STPS departments are aware of their labor rights in relation to D-GSOPS and this knowledge is institutionalized.

Output 1.2: STPS increases its reach to monitor compliance with the labor reform with a focus on gender discrimination, discrimination on the basis of sexual orientation, sexual harassment, and forced pregnancy testing.

Output 1.2.1 Formal referral networks act as independent observers and sound the alarm in case of possible labor violations related to such discrimination.

Output 2.1: STPS formally promotes the use of best practices with respect to combating discrimination in accordance with the 2012 laws in its social compliance mechanisms among employers and other stakeholders.

Output 2.2: Incentives for employers to participate in STPS's social compliance mechanisms are emphasized.

Output 2.3: Safe spaces for employer collaboration and exchange to promote social compliance mechanisms are created and used.

Output 3.1: Workers are well informed of their updated labor rights with a focus on gender discrimination, discrimination on the basis of sexual orientation, sexual harassment, and forced pregnancy testing.

Output 3.2: Workers are knowledgeable of how to report violations and have access to reporting mechanisms.

Output 3.3 Workers’ rights organizations and networks in pilot states better protect their affiliates’ rights in the workplace and when they report violations related to gender discrimination.

2. Purpose, Focus, and Audience of Evaluation

USDOL-funded projects are subject to independent mid-term and final evaluations. The final evaluation of the HAI IGUALDAD project in Mexico is due at this time.

The overall **purpose** of this final evaluation is to review the progress made toward the achievement of the outcomes of the project since the midterm evaluation and identify lessons learned from its program strategy and its key services implemented to date. The final evaluation will place special emphasis on the likelihood that the project’s key outputs and outcomes/results will be sustained once the project ends.

The evaluation will **focus** data collection primarily on selected project documents and reports and interviews with key project personnel, partners, and stakeholders in Mexico. The project will be evaluated through the lens of a diverse range of stakeholders that participate in and are intended to benefit from the project’s interventions.

The primary **audiences** of the evaluation are USDOL and HAI. Both organizations intend to use the evaluation report to determine the strengths and weaknesses of the project design and implementation and assess its possible use as a model to increase compliance with protections against labor discrimination, and gender discrimination in particular.

3. Evaluation Questions

To serve these purposes, this final evaluation will focus on documenting key achievements and lessons that USDOL and HAI can apply to similar projects, and the likelihood of sustaining key results and outputs.

1. Did the IGUALDAD project successfully engage employers and increase their participation in the Ministry of Labor’s social compliance programs? What evidence exists that demonstrates employers’ improved compliance with workplace anti-discrimination policies?
2. How did project activities contribute to the strengthening of the labor inspectorate in the two pilot states and its ability to enforce gender-related anti-discrimination policies in the workplace? Were there any barriers or challenges in enforcing such policies?
3. How did members of Mexico’s civil society participate in the IGUALDAD project? What barriers and opportunities exist to sustain their participation and further promote gender-related anti-discrimination policies?
4. How did project activities directly benefit workers? Are workers aware of policies that protect them from labor discrimination including sexual harassment and discrimination

based on gender, sexual orientation, and pregnancy status? Are workers aware of the process for filing complaints with the Ministry of Labor?

5. Did the project achieve the planned indicator targets? What were the key factors that facilitated or hindered the achievement of the indicator targets?
6. What progress did the project make in implementing the midterm recommendations? What effect did the midterm recommendations have on the effectiveness and impact of the project’s interventions?
7. What are the key project outputs and outcomes that will likely be sustained beyond the life and the context of the project? Does the project have a strategy in place to sustain these elements? What factors might facilitate or hinder the sustainability of key outputs and outcomes?
8. What practices or experiences are worth highlighting as holding potential to become good practices or lessons learned at the end of project?

4. Evaluation Management and Support

Michele González Arroyo will serve as the lead evaluator. Michele conducted the midterm evaluation of IGUALDAD. Michele is an education, training and evaluation expert. She has twenty years of practical experience planning and implementing education and training programs for hundreds of workers, community leaders and labor representatives focusing on occupational safety and health, workers’ rights, discrimination, and adult literacy issues. This experience includes six workshops in Mexico for workers in garment and electronic industries, leaders of community-based organizations, and organizers of independent unions. The topics included occupational safety and health, worker rights, and discrimination. Michele also planned, conducted, and co-authored a community-based survey of maquiladora workers in Tijuana and Tecate Mexico regarding OSH, discrimination, workers’ rights, and environmental health issues.

In addition to her teaching, training and research experience, Ms. Gonzalez has conducted over 30 evaluations of international development projects in Central and South America, the Caribbean and Southeast Asia. Projects focused on workers’ rights, child labor and occupational health and safety. In the Latin American region, Ms. González has evaluated USDOL-funded projects in Mexico, Guatemala, Honduras, Nicaragua, El Salvador, Costa Rica, Panama, Dominican Republic, Ecuador, Peru, Bolivia, and Colombia.

Roles and Responsibilities

The evaluator is responsible for conducting the independent final evaluation according to the terms of reference (TOR). She will:

- Receive, respond to or incorporate input from HAI and USDOL on the initial TOR draft
- Finalize and submit the TOR and share (concurrently) with HAI and USDOL
- Review project background documents
- Review the evaluation questions and refine the questions, as necessary
- Develop and implement an evaluation methodology (i.e., surveys, conduct interviews, review documents) to answer the evaluation questions
- Conduct planning meetings/calls, as necessary, with USDOL and HAI

- Decide composition of field visit interviews to ensure objectivity of the evaluation
- Present verbally preliminary findings to project field staff and other stakeholders as determined in consultation with USDOL and HAI
- Prepare an initial draft (48-hour and 2-week reviews) of the evaluation report and share with USDOL and HAI
- Prepare and submit final report

USDOL is responsible for:

- Providing input to the TOR
- Reviewing proposed evaluator
- Providing project background documents to the evaluator (responsibility is shared with HAI)
- Obtaining country clearance
- Briefing HAI on upcoming visit and work with them to ensure coordination and preparation for evaluator
- Reviewing and providing comments of the draft evaluation report
- Approving the final draft of the evaluation report
- Participating in the pre- and post-trip debriefing and interviews
- Including USDOL-evaluation contract COR on all communication with evaluator

HAI is responsible for:

- Reviewing the TOR; providing input, as necessary, directly to the evaluator and agreeing on final draft
- Providing project background materials to the evaluator as requested
- Preparing a list of recommended interviewees
- Scheduling meetings for field visit and coordinating all logistical arrangements
- Reviewing and providing comments on the draft evaluation reports
- Organizing, financing, and participating in the stakeholder debrief
- Providing local transportation to meetings and interviews
- Including USDOL program office on all written communication with evaluator

5. Evaluation Methodology

The evaluation shall draw on six methods: 1) review of documents, 2) review of operating and financial data, 3) interviews with key informants, 4) field visits, 5) a stakeholder debrief before leaving Mexico City and 6) a post-trip conference call.

Document Review: The evaluator will review the following documents before conducting any interviews or trips in the region.

- The Project Design Narrative
- Midterm Evaluation Report

- Cooperative Agreement
- Technical Progress Reports (TPRs), financial reports, and donor comments
- Reports on specific project activities
- Training materials
- Trip reports, field visits, meetings, needs assessments and other reports
- Results Framework/Logic Model, PMP, Data Tracking Tables and performance indicators
- Work plans and budgets
- Any other relevant documents

Interviews with key informants: Interviews are to be conducted with key program stakeholders (by phone, Skype or in-person) including (but not limited to):

- USDOL project management team
- Relevant HAI officials in Chicago and HAI regional team
- HAI Mexico officials and project key personnel and staff
- Government counterparts (STPS, STGEM, STPSJ, PROFEDET)
- Employer representatives
- Trade union representatives – Telephone Workers Union, among others
- Civil society organizations participating in or supporting project activities
- Inspectors
- Trainees
- Other collaborating projects and partners, as appropriate (CONAPRED, INMUJERES)

Fieldwork in Mexico: The evaluator will meet the Project Director and project team to discuss the purpose and logistics of the evaluation. In addition, the project team will assist the evaluator to schedule interviews with the key informants listed above and any others deemed appropriate.

The evaluator will interview some key informants separately and others in small focus groups, as appropriate. The evaluator will work with project staff to develop a list of criteria that will be used to select a non-random sample of site visits / key informants to interview. Interviews with all relevant HAI representatives outside Mexico will be conducted by telephone (or Skype) once the fieldwork is completed.

The exact itinerary will be determined based on scheduling and availability of interviewees. Meetings will be scheduled in advance of the field visit by the project staff, coordinated by the designated project staff, in accordance with the evaluator’s requests and consistent with these terms of reference. Interviews and meetings will be conducted in Spanish. *The evaluator must conduct interviews with beneficiaries and stakeholders without the participation of any project staff.*

USDOL is interested to learn from and apply good practices to its projects as well as communicate them to USDOL audiences through its communication strategy. To contribute to this compilation of good practices, the evaluator will identify and document good practices and successes during interviews with project beneficiaries and stakeholders along with pictures (when feasible) and compelling quotes that evoke the person’s hopes for the future. The goal is to show how ILAB-funded interventions help USDOL meet its mission by telling the story of a particular person whose

life has either been transformed as a result of the project or who is better able to positively impact the lives of others thanks to the project. The purpose of these vignettes is to raise awareness of international worker rights and the work ILAB is doing to advance them. Any pictures or quotes gathered by the evaluator from interviewees should be accompanied by a signed waiver (see Attachment A) granting USDOL the right to use and publish their name, words, and photo through any medium in USDOL publications.

Stakeholder debriefings: Before departure from Mexico, the evaluator will conduct a debriefing meeting with project staff and key stakeholders to present and discuss initial findings of the evaluation.

Post Trip Debriefings: Upon return from Mexico, the evaluator will provide a post-trip debrief by phone to relevant USDOL and HAI staff to share initial findings and seek any clarifying guidance needed to prepare the report. Upon completion of the report, the evaluator will provide a debriefing to relevant USDOL and HAI staff on the evaluation findings, conclusions, and recommendations, as well as the evaluation process. In discussing the evaluation process, the evaluator will clearly describe the constraints generated by the retrospective nature of this evaluation methodology and data collection and how those constraints could be avoided in future evaluations.

Ethical Considerations: The evaluator will observe utmost confidentiality related to sensitive information and feedback elicited during the individual and group interviews. To mitigate bias during the data collection process and ensure a maximum freedom of expression of the implementing partners, stakeholders, communities, and beneficiaries, implementing partner staff will generally not be present during interviews. However, implementing partner staff may accompany the evaluator to make introductions whenever necessary, to facilitate the evaluation process, make respondents feel comfortable, and to allow the evaluator to observe the interaction between the implementing partner staff and the interviewees.

Limitations: The scope of the evaluation specifies two weeks of fieldwork, which is not enough time to visit all of the project sites to undertake data collection activities. As a result, the evaluator will not be able to consider all sites when formulating her findings. All efforts will be made to ensure that the evaluator is visiting a representative sample of sites, including some that have performed well and some that have experienced challenges.

This is not a formal impact assessment. Findings for the evaluation will be based on information collected from background documents and in interviews with stakeholders, project staff, and beneficiaries. The accuracy of the evaluation findings will be determined by the integrity of information provided to the evaluator from these sources and the ability of the latter to triangulate this information.

6. Evaluation Milestones and Timeline

| Activity | Date | Products/Comments |
|------------------------|--------|-------------------|
| Prepare and submit TOR | Nov 15 | Draft TOR |

| | | |
|---|---------------|--|
| Evaluator logistics and briefing call with USDOL | Dec 12 | |
| Doc reviews, methodology, data collection instruments | Jan 8-12 | Final evaluation questions Methodology section Instruments |
| Fieldwork in Mexico | Jan 29- Feb 9 | Preliminary findings presentation |
| Stakeholder Meeting | Feb 9 | Power Point presentation slides |
| USDOL and HAI debrief calls (separately) | Feb 14 | Debrief notes |
| Analysis and report writing | Feb 12–Mar 2 | |
| Send first draft report for 48-hour review | March 2 | Draft Report 1 |
| Revise and send second draft report for 2-week review | March 7 | Draft Report 2 |
| Finalize and send final report | March 23 | Final Report |

** These dates depend on when USDOL and HAI provide comments to evaluator*

7. Deliverables and Deliverable Schedule

- A. Finalized TOR with USDOL and HAI consensus, November 15, 2017
- B. Method to be used during field visit, including itinerary, January 24, 2018
- C. Stakeholder debriefing meeting/presentations, February 9, 2018
- D. USDOL and HAI debrief calls, February 14, 2018
- E. Draft Report 1 to USDOL and HAI, March 2, 2018
- F. Draft Report 2 to USDOL and HAI by March 7, 2018
- G. Final Report to USDOL and HAI by March 23, 2018

8. Evaluation Report

The evaluator will complete a draft report of the evaluation following the outline below and will share it with USDOL and HAI for an initial 48-hour review. Once the evaluator receives comments, they will make the necessary changes and submit a revised report. USDOL and HAI will have two weeks (ten business days) to provide comments on the revised draft report. The evaluator will produce a second draft incorporating the comments from USDOL and HAI where appropriate, and provide a final version within three days of having received final comments.

The final version of the report will follow the format below (page lengths by section illustrative only) and be no more than 30 pages in length, excluding the annexes:

Report

1. Title page (1)
2. Table of Contents and Lists (tables, graphs, etc.) (1)
3. Acronyms (1)
4. Executive Summary (4-5)
5. Background and Project Description (1)
6. Purpose of Evaluation (1)
7. Evaluation Methodology (1)
8. Findings - This section should be organized around the six key issues outlined in the TOR (20)
 - a. Relevance and Strategic Fit
 - b. Validity of the Project Design
 - c. Project Progress and Effectiveness
 - d. Effectiveness of Management Arrangements
 - e. Efficiency of Resource Use
 - f. Impact Orientation and Sustainability
9. Lessons Learned and Good Practices (2)
10. Conclusions (2)
11. Recommendations (2)
12. Annexes
 - Terms of reference
 - Strategic framework
 - Project PMP and data tables
 - Project workplan
 - List of meetings and interviews
 - Any other relevant documents

ANNEX B: EVALUATION INTERVIEW SCHEDULE

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ANNEX C: INTERVIEW GUIDE

IGUALDAD Evaluation, Jan. 29-Feb. 9, 2018

General Interview Questions

1. ¿Cuál ha sido su participación en el proyecto IGUALDAD?
2. ¿Cómo ayudó el proyecto para aumentar la participación de los centros de trabajo en los Distintivos? ¿Cuáles cambios hicieron los empleadores para promover políticas de no discriminación en el lugar de trabajo?
3. ¿Cómo se involucraron las organizaciones de sociedad civil en el proyecto IGUALDAD? ¿Cuáles son las barreras y oportunidades que existen para mantener su participación y seguir promoviendo las políticas sobre no discriminación por género?
4. ¿Cuáles acciones hicieron para fortalecer el conocimiento y la capacidad de los y las inspectores sobre temas de discriminación por género? ¿Resultó en mayor protección para las personas trabajadoras?
5. ¿Cómo apoyó el proyecto directamente a los y las trabajadores? ¿Conocen ellos y ellas las políticas que les protegen de la discriminación laboral, incluyendo el acoso sexual y discriminación por género, orientación sexual y estado de embarazo? ¿Conocen el proceso para presentar una queja con la Secretaría de Trabajo?
6. ¿Logró el proyecto sus actividades y números meta? ¿Cuáles fueron los elementos principales que ayudaron o impidieron lograr estas metas (dentro de o fuera del control del proyecto)?
7. ¿Cuáles cambios hizo el proyecto como resultado de la evaluación de medio término? ¿Ayudaron a mejorar la eficacia e impacto de las intervenciones del proyecto? ¿Cuáles?
8. ¿Cuáles son los mayores logros del proyecto hasta la fecha que podrían ser sustentables después de que finalice el proyecto? ¿Cuáles factores podrían facilitar o impedir la sostenibilidad de los resultados?
9. ¿Cuáles son algunas prácticas o experiencias del proyecto que se deben resaltar como "buenas prácticas" o "lecciones aprendidas" al final del proyecto?

ANNEX D: LIST OF DOCUMENTS REVIEWED

- 1) Technical Progress Report– April to June 2016
- 2) Technical Progress Report – July to September 2016
- 3) Technical Progress Report – October to December 2016
- 4) Technical Progress Report – January to March 2017
- 5) Technical Progress Report– April to June 2017
- 6) Technical Progress Report– July to September 2017
- 7) Technical Progress Report– October to December 2017
- 8) Revised Performance Monitoring Plan (PMP) - IGUALDAD Project
- 9) Prime Dashboard (HAI’s internal performance monitoring plan)
- 10) Revised Logic Model - IGUALDAD Project
- 11) Revised Work Plan - IGUALDAD Project
- 12) Sustainability Matrix - IGUALDAD Project
- 13) STPS’s National Labor Policies (2013-2018) website:
http://www.stps.gob.mx/bp/secciones/transparencia/anexo/PROGRAMASECTORIAL_STP_S251113.pdf
- 14) Mexican Standards for Labor Equality and Non-discrimination known as “Norma Mexicana NMX-R-025-SCFI-2015 en Igualdad Laboral y No Discriminación,”
http://dof.gob.mx/nota_detalle.php?codigo=5280815&fecha=30/11/2012
- 15) *Informador.Mx*, “Jalisco se mantiene en el tercer lugar nacional en quejas por discriminación,” 14 January 2018, <https://www.informador.mx/jalisco/Jalisco-se-mantiene-en-el-tercer-lugar-nacional-en-quejas-por-discriminacion-20180114-0026.html>.
- 16) STPS’s Distinguished Enterprise awards website: <http://distintivos.stps.gob.mx>
- 17) National Institute for Women, Bulletin, INMUJERES, *Boletín*, Año 3, Número 7, Julio 2017, http://cedoc.inmujeres.gob.mx/documentos_download/BoletinN7_2017.pdf

ANNEX E: LIST OF PERSONS INTERVIEWED

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